

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

CT102 LLC d/b/a Metro Motors and H. Jeffrey Baker	)	
<i>Plaintiffs,</i>	)	
	)	
vs.	)	C.A. No. 1:20-cv-356-MSM-PAS
	)	
Automotive Finance Corporation d/b/a AFC; NextGear	)	
Capital, Inc.; Southern Auto Sales, Inc., AUTOTEC, LLC	)	
d/b/a AUTOACCESS, LLC; Manheim, Inc. and ADESA,	)	
Inc.,	)	
<i>Defendants.</i>	)	

**DEFENDANT NEXTGEAR CAPITAL, INC.'S**  
**LR CV 9.1 NOTICE OF RELATED ACTIONS OR PROCEEDINGS**

Pursuant to LR cv 9.1 of the Local Rules for the United States District Court for the District of Rhode Island, defendant NextGear Capital, Inc. (“NextGear”) hereby gives notice of the following pending action (“Notice”):

*NextGear Capital, Inc. v. CT102 LLC d/b/a JD Byrider of New Haven and Metro Motors, and Herman Jeffrey Baker*, Trial Court Cause No. 29C01-1809-CC-008218, Hamilton County Circuit Court in Hamilton, Indiana (the “Indiana Action”).

On September 4, 2018, NextGear, as plaintiff, commenced the Indiana Action against CT102 LLC d/b/a JD Byrider and Metro Motors (“CT102”) and Herman Jeffrey Baker (“Baker”), as defendants, for breach of contract, breach of guaranty, and conversion. See also NextGear’s Motion to Dismiss filed contemporaneously with this Notice. NextGear’s claims in the Indiana Action arose out of the “Demand Promissory Note and Loan and Security Agreement” executed by Baker on behalf of CT102 on January 31, 2014 and the “Individual Guaranty” executed by Baker on January 31, 2014 for the “Demand Promissory Note and Loan and Security Agreement.” Id.

On October 22, 2019, the Indiana Circuit Court granted summary judgment in the Indiana Action in favor of NextGear against CT102 and Baker on the breach of contract claims. Id. Baker and CT102 appealed the Indiana Circuit Court’s order in the Indiana Action to the Court of Appeals of

Indiana captioned as *Herman Jeffrey Baker CT102 LLC v. NextGear Capital, Inc.* Cause No. 19A-CC-02960. On June 19, 2020, the Indiana Court of Appeals entered a Memorandum of Decision upholding the judgment on liability as a matter of law in the Indiana Action, *inter alia*, that CT102 and Baker breached the contracts. The Indiana Court of Appeals then remanded the Indiana Action to the Indiana Circuit Court for an evidentiary hearing on the damages owed by CT102 and Baker to NextGear.

The evidentiary hearing took place on October 6, 2020, and the trial court granted judgment in NextGear's favor and against CT102 and Baker in the amount of \$205,494.11 on October 15, 2020. CT102 and Baker have initiated an appeal of the judgment.

Respectfully submitted,  
**DEFENDANT**  
**NEXTGEAR CAPITAL, INC.**  
By its counsel,

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Dated: October 23, 2020

**CERTIFICATE OF SERVICE**

I certify that the foregoing document was electronically filed with the Clerk of the Court on the 23th day of October and that it is available for viewing and downloading from the Court's CM/ECF system. All counsel of record for represented parties have been served by electronic means on the date this document was filed. All parties who are self-represented or whose counsel have not yet entered an appearance have been served by U.S. Mail, first class postage prepaid, and email on the date this document was filed.

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/s/ Katharine E. Kohm